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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,026	07/13/2000	G. Michael Phillips	35512-00035	3955

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EXAMINER

RAHMJOO, MANUCHER

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/615,026

Applicant(s)

PHILLIPS ET AL.

Examiner

Mike Rahmjoo

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1- 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1- 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 12- 17, and 19- 22 are rejected under 35 U.S.C. 102(b) as being anticipated by National Weather Service, hereinafter, NWS.

As per claim 1, 12, and 19- 22 NWS teaches obtaining a plurality of estimated data values see for example the plurality of estimated data values in different shadings; obtaining a calculated measure of statistical significance for each of said estimated data value see for example the calculated measure of statistical significance in percentages; displaying a graph of said plurality of estimated data values see for example the displayed graph; wherein each of said estimated data value is displayed at an intensity level that is a function of the calculated measure of statistical significance for said estimated data value see for example the graph displayed at different intensity levels..

As per claim 13, NWS teaches display characteristic is a size of a data point displayed for said estimated data value see for example the graph where each estimate as shown has a size.

As per claim 14- 17, NWS teaches hue, saturation, brightness and color characteristics for estimated data values see for example the graph where the series are in color or grayscale and have different brightness.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2- 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over NWS in view of Harvard Graphics.

As per claim 2 NWS does not teach identification of assets.

However, Harvard Graphics teaches each said estimated (projected) data value pertains to an asset (sales projections having exogenous variables that contribute to the projections made) and comprises a measure of the tendency of an asset to change as a result of a change in a data value for an exogenous variable on the chart of page 11-33.

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings of Harvard Graphics into NWS so

that the projected sales including many variables (e.g. exogenous that contribute to the projections made as shown) are depicted as graphs which show actual (calculated) vs. projected (estimated), therefore allowing easy and user friendly visual presentations to public.

As per claim 3, Harvard Graphics teaches estimated data values are displayed in a bar graph that includes a separate bar for each asset shown one per actual bar of the year on the chart of page 11- 33.

As per claim 4, NWS teaches an intensity level that is a function of the measure of statistical significance of the measure of the tendency of the values see for example the different intensity levels on the graph.

As per claim 5, Harvard Graphics teaches a height of each said bar is a second function of the measure of the tendency of the value of the asset to change as a result of a change in the data value for the exogenous variable see for example the chart of page 11- 33 wherein the heights change.

As per claim 6, Harvard Graphics teaches each said estimated data values was estimated using a regression equation, and wherein the measure of statistical significance is a p value that was calculated from the regression equation on page 11- 44 wherein four types of regression (linear, exponential, logarithmic, and power curves) are used.

As per claim 7, Harvard Graphics teaches the function is linear on page 11- 36.

As per claim 8, Harvard Graphics teaches the function is non-linear on page 11- 36(log scale).

As per claim 9 and 18, Harvard Graphics teaches each said data point is displayed as a bar in a bar graph on page 11- 33 where each bar represents the sales of one particular year.

As per claim 10, Harvard Graphics teaches statistical significance is an estimate of a probability that an actual value for said estimated statistic is outside of a specified confidence interval around an estimated value for said estimated statistic on page 11- 33 where the projected sales and the actual sales fall outside of each other by some margin which in this case is in units of millions of dollars.

As per claim 11, Harvard Graphics teaches calculation of the intensity for each said data point comprises determining 1 minus said estimate of probability (also discussed on pages 11- 42, 43 where the series are in color or grayscale).

Response to Arguments

Applicant's arguments filed 12/21/2004 have been fully considered but they are not persuasive.

As per applicant's remarks on page 3 2nd paragraph, applicant argues "one significant difference between the present invention and the prior art is the way in which such statistical significances are communicated to an end user" and makes a reference to display characteristics in the specification.

Examiner respectfully disagrees.

As to the broadest reasonable interpretation by examiner, NWS clearly teaches **obtaining a plurality of estimated data values** see for example the plurality of estimated data values in **different shadings**; **obtaining a calculated measure of statistical significance** for each of said estimated data value see for example the calculated measure of statistical significance in percentages; **displaying a graph** of said plurality of estimated data values see for example the displayed graph; wherein each of said estimated data value is **displayed at an intensity** level that is a function of the calculated measure of statistical significance for said estimated data value see for example the graph displayed at different intensity levels.

As per highlighted portions of the rejection statistical significances are **clearly communicated to an end user.**

NWS clearly teaches estimated and calculated data points.

Applicant further argues in last paragraph on page 5 and lines 1- 2 of page 6 "there is no way to tell based on the information that is provided in the NWS reference" and "in short, NWS provides no information whatsoever regarding statistical significance of its indicated probabilities".

Examiner respectfully disagrees.

Examiner would point out to current position of IVAN on top of page 2 of NWS which indicates the current position of IVAN as 15.0 N 72.5 W which is reflected in the graph on page 1 as being located in the center of IVAN. As an additional remark examiner points out that no data on a probability chart may assume 100% probability value unless it is the actual value (current position of IVAN as 100%).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (703) 305-5658. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (703) 308- 6829. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872- 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Mike Rahmjoo

April 5, 2005



**MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**